

MONDAY, FEBRUARY 11, 2002

SEVENTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Hood.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Givens; business reasons.

Representative Newton; family death.

Representative Overbey; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 681: Rep(s). Turner (Hamilton) and Pruitt as prime sponsor(s).

MESSAGE FROM THE SENATE
February 8, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 519, 521, 522, 525, 526 and 538; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED
February 8, 2002

The Speaker signed the following: Senate Joint Resolution(s) No(s). 519, 521, 522, 525, 526 and 538.

MESSAGE FROM THE SENATE
February 11, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 542 and 543; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 542 -- Memorials, Recognition - George Offitt, Sr. by *Graves, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 543 -- Memorials, Public Service - Leon Shoulders. by *Graves, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

MESSAGE FROM THE SENATE
February 11, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 510 and 512; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 510** -- General Assembly, Statement of Intent or Position - Expresses position that teenage in-vehicle drinking and related drug use is at level worthy of connection to local and state substance abuse and youth violence prevention strategies. by *Cohen.

***Senate Joint Resolution No. 512** -- General Assembly, Statement of Intent or Position - Expresses support for designation of State Route 22 from Martin to Union City and "Tyson Bypass" in Union City as interstate highway link to Interstate 69, such link tentatively known as "I-169." by *Herron.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 212 -- Court Rules - Approves amendments and revisions to Tennessee Rules of Appellate Procedure promulgated by supreme court. by *Buck, *McMillan, *Sands.

House Judiciary Committee

***House Joint Resolution No. 682** -- Memorials, Congress - Memorializes Congress to pass voluntary school prayer amendment to U.S. Constitution. by *Davis (Washington), *Godsey, *Mumpower, *Beavers, *Curtiss, *Maddox, *Wood, *Baird, *Dunn, *Goins, *Black, *DeBerry J, *Sharp, *Ford S, *Casada, *Walker, *Whitson.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 14, 2002:

House Joint Resolution No. 684 -- Memorials, Recognition - Arthur "Art" Beesley. by *Bone.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3211 -- Weakley County - Subject to local approval, increases compensation of Weakley County highway commissioners from not less than \$200 per month to not less than \$300 per month, effective September 1, 2002. Amends Chapter 640 of the Private Acts of 1949; as amended. by *Maddox.

House Bill No. 3212 -- Appropriations - Makes appropriations for fiscal years beginning July 1, 2001 and July 1, 2002. by *McDaniel, *Kisber.

House Bill No. 3213 -- Bond Issues - Authorizes issuance of bonds to fund state projects for fiscal year 2002-2003. by *McDaniel, *Kisber.

House Bill No. 3214 -- Appropriations - Authorizes index of appropriations from state tax revenues for fiscal year 2002-2003 to exceed index of estimated growth of state's economy by \$1,065,000,000 or 12.58 percent. Amends TCA Title 9, Chapter 4, Part 52. by *McDaniel, *Kisber.

House Bill No. 3215 -- Budget Procedures - Transfers unexpended balance of funds in inactive reserve, Industries for Blind, to state general fund effective June 30, 2002. - TCA Title 13, Chapter 23. by *McDaniel, *Kisber.

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

House Bill No. 3216 -- Bradley County - Subject to local approval, requires referendum of voters approving sale or lease of Bradley County Memorial Hospital. Amends Chapter 846 of the Private Acts of 1947; as amended. by *Bunch.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3226, was/were referred to the Delayed Bills Committee.

House Bill No. 3226 -- Sumner County - Subject to local approval, creates county Financial Management System. by *Black, *McDonald. (SB3170 by *Graves)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2012** -- Courts - Requires person wishing to become credentialed court interpreter for spoken foreign languages to submit fingerprint sample for purpose of criminal history records check being conducted on such person. Amends TCA Title 16, Chapter 3. by *Person, *Williams, Sen.. (HB2158 by *Buck, *McMillan)

***Senate Bill No. 2795** -- Growth and Development - Requires TACIR to monitor, on continuing basis, implementation of growth planning law and to periodically report its findings and recommendations to general assembly. Amends TCA Section 6-58-113. by *Rochelle. (HB2564 by *Turner (Shelby))

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3207 -- Hawkins County -- Local Bill Held on House Desk

House Bill No. 3208 -- Byrdstown -- Local Bill Held on House Desk

House Bill No. 3209 -- Fayetteville -- Local Bill Held on House Desk

House Bill No. 3210 -- Tipton County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Resolution No. 210 -- Memorials, Academic Achievement - Jonnmichael Dearmond, National Young Leaders Conference participant. by *Godsey, *Mumpower.

House Resolution No. 211 -- Memorials, Recognition - Reverend Kevin L. Barrett. by *Rowland.

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

House Joint Resolution No. 681 -- Memorials, Public Service - Commissioner Dorothy B. Shell. by *Langster, *DeBerry L., *Naifeh, *Turner (Shelby), *Bowers, *Ridgeway, *Davidson, *Armstrong, *Jones, S., *Miller L., *Jones U (Shelby), *Phelan, *Brooks, *Garrett, *Brown, *Arriola, *Lewis, *Cooper B., *Towns, *Harwell, *Vincent, *Todd, *Kent, *Rhinehart.

House Bill No. 2117 -- Coffee County - Subject to local approval, decreases highway commission from six to five members. Amends Chapter 8 of the Private Acts of 1971; as amended. by *Lewis. (SB2597 by *Burks)

House Bill No. 2130 -- Lauderdale County - Subject to local approval, decreases school board from nine to eight members. by *Fitzhugh. (SB2408 by *Norris)

House Bill No. 2358 -- Weakley County - Subject to local approval, reduces number of school districts from ten to nine. by *Maddox. (SB2495 by *Herron)

House Bill No. 2374 -- Murfreesboro - Subject to local approval, revises charter with respect to vacancies in city council. Amends Chapter 429 of the Private Acts of 1931; as amended. by *Hood, *Rowland, *Beavers. (SB2320 by *Trail)

House Bill No. 2373 -- Rutherford County - Subject to local approval, increases county purchasing committee from five to seven members. Amends Chapter 421 of the Private Acts of 1943; as amended. by *Hood, *Rowland, *Beavers. (SB2322 by *Trail)

House Bill No. 2383 -- Oneida - Pursuant to local request, provides for issuance of \$350,000 in bonds by Oneida Special School District. by *Winningham. (SB2709 by *Davis L)

House Bill No. 2552 -- Sequatchie County - Subject to local approval, decreases school board from nine to eight members; provides for terms and election of such members. by *Rhinehart. (SB2882 by *Elsea)

House Bill No. 2563 -- Athens - Subject to local approval, revises residency requirement for voting in city elections, bid requirements for purchases by school board, and other charter provisions regarding civil penalties. Amends Chapter 455 of the Private Acts of 1953; as amended. by *McKee. (SB2881 by *Elsea)

House Bill No. 2567 -- Lafayette - Subject to local approval, revises election provisions for council members. by *Buck. (SB2885 by *Burks)

House Bill No. 2704 -- Hickman County - Pursuant to local request, restructures Hickman County Highway Commission districts to be coterminous with county commission districts. Amends Chapter 38 of the Private Acts of 1947. by *Shepard, *Tidwell. (SB2902 by *Jackson)

House Bill No. 2773 -- Scott County - Pursuant to local request, restructures Scott County board of education to seven members to conform with county legislative districts. - Repeals Chapter 257 of the Private Acts of 1923. by *Winningham. (SB2991 by *Davis L)

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

House Bill No. 2775 -- Benton County - Pursuant to local request, allows Benton County to retain twelve school board members to be elected from county commission districts. - Repeals Chapter 117 of the Private Acts of 1953. by *Tidwell. (SB3145 by *Herron)

House Bill No. 2817 -- Grundy County - Subject to local approval, divides Grundy County into three school districts instead of six and increases number of school board members from six to nine by providing for three members to be elected from each district to staggered four-year terms. by *Lewis. (SB2850 by *Cooper J)

Senate Joint Resolution No. 541 -- Memorials, Academic Achievement - Phi Theta Kappa. by *Miller J.

Senate Joint Resolution No. 527 -- Memorials, Death - W. D. (Bill) Manning, Mayor of Bradford. by *Carter, *Herron.

Senate Joint Resolution No. 528 -- Memorials, Recognition - WSM-AM. by *Henry, *Haynes, *Herron, *Kyle, *Williams, Sen..

Senate Joint Resolution No. 530 -- Memorials, Public Service - Fred and Kim Miller, Nashville chapter "Nurses for Newborns " program. by *Davis L, *Blackburn.

Senate Joint Resolution No. 533 -- Memorials, Death - Robert L. McElrath. by *Haun, *Henry, *Rochelle, *McNally.

Rep. Langster moved that all members voting aye on House Joint Resolution No 681 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1267 -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by *Windle. (*SB281 by *Davis L, *Burks, *Williams.)

Further consideration of House Bill No. 1267 previously considered on May 17, 2001, May 29, 2001, June 4, 2001, January 8, 2002, January 10, 2002, January 17, 2002 and February 7, 2002, at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 1267 by deleting all language following the enacting clause of the printed bill and by substituting instead the following:

SECTION 1. The commissioner of environment and conservation shall prohibit the forestry practice of clear-cutting in all state parks. The department of environment and conservation shall not conduct clear-cutting operations in such parks, nor permit any other person or lessee to conduct clear-cutting operations in such parks.

SECTION 2. Notwithstanding the provisions of Section 1, clear-cutting may be permitted in state parks in cases of natural disaster or insect infestation provided that the department of environment and conservation has determined prior to any such clear-cutting that it is a reasonable and appropriate response to such disaster or infestation and that it is consistent with the department's duty to preserve and maintain the parks. Such clear-cutting may occur only in a manner approved in advance by the department.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Windle moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1267.

Rep. Garrett moved to substitute the motion to concur in Senate Amendment(s) No(s). 1 with the motion to nonconcur in Senate Amendment(s) No(s). 1.

Rep. Rhinehart moved that the motion to substitute the motion to concur in Senate Amendment(s) No(s). 1 with the motion to nonconcur in Senate Amendment(s) No(s). 1 be tabled, which motion was immediately withdrawn.

Rep. Turner (Davidson) moved the previous question on the motion to substitute the motion to concur in Senate Amendment(s) No(s). 1 with the motion to nonconcur in Senate Amendment(s) No(s). 1, which motion prevailed.

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

Rep. Garrett moved to substitute the motion to concur in Senate Amendment(s) No(s). 1 with the motion to nonconcur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes	53
Noes	36
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Boyer, Buck, Buttry, Casada, Clem, Cole (Dyer), Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Fitzhugh, Ford, Garrett, Goins, Hagood, Hargett, Harwell, Head, Jones U, Kent, Kisber, Maddox, McCord, McKee, Miller, Montgomery, Mumpower, Overbey, Phelan, Pinion, Pleasant, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Vincent, Walker, Westmoreland, White, Wood -- 53.

Representatives voting no were: Arriola, Bone, Bowers, Briley, Brooks, Brown, Caldwell, Chumney, Cooper, Curtiss, Ferguson, Fowlkes, Fraley, Hargrove, Hood, Johnson, Jones S, Kernell, Langster, Lewis, McDaniel, McDonald, McMillan, Odom, Patton, Pruitt, Rhinehart, Sands, Tindell, Towns, Turner (Hamilton), Turner (Davidson), West, Windle, Winningham, Mr. Speaker Naifeh -- 36.

Representatives present and not voting were: Cole (Carter), Turner (Shelby), Whitson -- 3.

Thereupon, Rep. Garrett moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 1267, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 561** -- Criminal Procedure - Requires sex offender registration to include each higher education institution such offender is enrolled in; requires TBI to report sexual offender registration information to law enforcement agencies of higher education institutions. Amends TCA Title 40, Chapter 39, Part 1. by *Boyer. (SB917 by *Burchett, *Burks, *Williams)

Senate Amendment No. 3

AMEND House Bill No. 561 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known as the "Tennessee College & University Campus Sex Crimes Prevention Act of 2002".

SECTION 2. Tennessee Code Annotated, Section 40-39-102, is amended by adding the following as new subdivisions (6) and (7):

(6) "Employed or carries on a vocation" means any sort of full-time or part-time employment in the state, with or without compensation, for more than fourteen (14) days, or for an aggregate period exceeding thirty (30) days in a calendar year.

(7) "Law enforcement agency of any institution of higher education" means any campus law enforcement arrangement authorized by Section 49-7-118.

SECTION 3. Tennessee Code Annotated, Section 40-39-103(a), is amended by adding the following as a new subdivision (9) and by appropriately redesignating the existing subdivision (9) and remaining subdivision accordingly:

(9) The name and address of each institution of higher education in the state at which the offender is employed, carries on a vocation or is a student;

SECTION 4. Tennessee Code Annotated, Section 40-39-106(a), is amended by adding the following as new subdivisions (5) and (6) and by appropriately redesignating the existing subdivisions (5) and (6) accordingly:

(5) The law enforcement agency of any institution of higher education in the state at which the offender is employed, carries on a vocation or is a student, or if the institution of higher education has no law enforcement agency, the local law enforcement agency having jurisdiction for the campus.

(6) The law enforcement agency of any institution of higher education in the state at which the offender was employed, carried on a vocation or was a student if a change in enrollment or employment is indicated, or if the institution of higher education has no law enforcement agency, the local law enforcement agency having jurisdiction for the campus.

SECTION 5. Tennessee Code Annotated, Section 40-39-106(f), is amended by adding the following language after the first sentence of the subsection:

For all sexual offenses committed on or after October 27, 2002, the information concerning a registered sexual offender set out in subdivision (f)(10) shall be considered public information.

SECTION 6. Tennessee Code Annotated, Section 40-39-106(f), is further amended by deleting the word "and" at the end of subdivision (8); by deleting the period at the end of subdivision (9) and substituting instead a semicolon (;) and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(10) The name, and address of any institution of higher education in the state at which the offender is employed, carries on a vocation or is a student.

SECTION 7. Tennessee Code Annotated, Section 40-39-105(a), is amended in the second sentence by deleting the language and punctuation "the TBI;" and by substituting instead the following:

law enforcement agencies of institutions of higher education; the TBI;

SECTION 8. Tennessee Code Annotated, Section 40-39-106(c), is amended by deleting the language "or a local law enforcement agency shall release" and by substituting instead the following:

, a local law enforcement agency or a law enforcement agency of any institution of higher education shall release

SECTION 9. Tennessee Code Annotated, Section 40-39-106(d), is amended by deleting the language "or a local law enforcement agency deems it necessary" and by substituting instead the following:

, a local law enforcement agency or a law enforcement agency of any institution of higher education deems it necessary

SECTION 10. Tennessee Code Annotated, Section 40-39-106(e), is amended by deleting the language and punctuation "officers and employees of local law enforcement agencies," and by substituting instead the following:

officers and employees of local law enforcement agencies, officers and employees of law enforcement agencies of institutions of higher education,

SECTION 11. This act shall take effect October 27, 2002, the public welfare requiring it.

Senate Amendment No. 4

AMEND House Bill No. 561 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 40-39-103(a), is amended by adding the following language after the first sentence of the subsection:

Within ten (10) days following employment or after becoming a student or volunteer at an institution of higher learning in the county or municipality where the sexual offender resides, the sexual offender shall complete or update a TBI sexual offender registration/monitoring form and shall cause such form to be delivered to TBI headquarters in Nashville in order to notify the law enforcement agency of such institution of higher education.

Rep. Boyer moved that the House concur in Senate Amendment(s) No(s). 3 and 4 to House Bill No. 561, which motion prevailed by the following vote:

Ayes95
Noes2

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Caldwell, **House Bill No. 2114** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Ridgeway, **House Bill No. 2926** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Ferguson, **House Bill No. 2409** was recalled from the Transportation Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Davidson moved to suspend the rules to allow **House Bill No. 2341**, if passed out of the Finance, Ways and Means Committee on Tuesday, February 12, 2002 and the Committee on Calendar and Rules on Wednesday, February 13, 2002, to be placed on the Regular Calendar for Thursday, February 14, 2002. The motion was then immediately withdrawn.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2053: Rep(s). Ferguson as prime sponsor(s).

House Bill No. 2055: Rep(s). Turner (Davidson) and Ferguson as prime sponsor(s).

House Bill No. 2360: Rep(s). Fraley and Rhinehart as prime sponsor(s).

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

House Bill No. 2483: Rep(s). Black as prime sponsor(s).

House Bill No. 2531: Rep(s). Curtiss and Windle as prime sponsor(s).

MESSAGE FROM THE SENATE

February 11, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2190; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

February 11, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 565; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

February 11, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2117, 2130, 2358, 2373, 2374, 2383, 2552, 2563, 2567, 2704, 2773, 2775, 2817, also, House Joint Resolution(s) No(s). 681.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

February 11, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 210 and 211; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 11, 2002

The Speaker signed the following: House Resolution(s) No(s). 210 and 211.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 11, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 308; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
February 11, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2008, 2009, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2088, 2097, 2098, 2099, 2100, 2101, 2102, 2115, 2116, 2117, 2177, 2189, 2190, 2240, 2371, 2410, 2446, 2522, 2596, 2678, 2774, 2797, 2798 and 2805; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 2008 -- Highway Signs - "Jimmy Breeden Memorial Bridge," S.R. 424 over Big Sandy River in Carroll County. by *Carter. (*HB2059 by *Maddox)

Senate Bill No. 2009 -- Highway Signs - "Dennis Brooks, Jr. Memorial Bridge," S.R. 114 over Big Sandy River in Carroll County. by *Carter, *Herron. (*HB2060 by *Maddox)

***Senate Bill No. 2049** -- Sunset Laws - South central Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2178 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2050** -- Sunset Laws - Northwest Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2177 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2051** -- Sunset Laws - Removes Northwest Tennessee economic council from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 5. by *Harper, *Burchett, *Trail. (HB2176 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2052** -- Sunset Laws - Mountain Valley economic opportunity authority, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 5. by *Harper, *Burchett, *Trail. (HB2175 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2053** -- Sunset Laws - Removes Mid-East community action agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 5. by *Harper, *Burchett, *Trail. (HB2174 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2054** -- Sunset Laws - Mid-Cumberland human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2173 by *Kernell, *Brooks, *Cooper B)

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 2055** -- Sunset Laws - Removes Mid-Cumberland community action agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2172 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2056** -- Sunset Laws - Removes Highland Rim economic corporation from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2171 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2057** -- Sunset Laws - First Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2170 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2058** -- Sunset Laws - Removes Douglas-Cherokee economic authority from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2168 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2059** -- Sunset Laws - Southeast Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2179 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2088** -- Sunset Laws - Delta human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2167 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2097** -- Sunset Laws - East Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2169 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2098** -- Sunset Laws - Removes Blount County community action agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2163 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2099** -- Sunset Laws - Removes Cordell Hull economic opportunity corporation from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2166 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2100** -- Sunset Laws - Removes Anderson County community action commission from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2162 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2101** -- Sunset Laws - Removes Clarksville-Montgomery County community action agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2165 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2102** -- Sunset Laws - Removes Bradley-Cleveland community service agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2164 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2115** -- Sunset Laws - Removes upper East Tennessee human development agency from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Harper, *Burchett, *Trail. (HB2182 by *Kernell, *Brooks, *Cooper B)

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 2116** -- Sunset Laws - Upper Cumberland human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2181 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2117** -- Sunset Laws - Southwest Tennessee human resource agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 26. by *Harper, *Burchett, *Trail. (HB2180 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2177** -- Highway Signs - "Thomas Anthony Utley Memorial Bridge," S.R. 52 East overpass bridge in Portland, Sumner County. by *Graves. (HB2344 by *McDonald, *Black)

***Senate Bill No. 2189** -- Highway Signs - "Blanche Ward Berry Bridge," S.R. 91 in Carter County. by *Crowe. (HB2191 by *Cole (Carter))

***Senate Bill No. 2190** -- Education, Higher - Clarifies educational benefits available to veterans and their dependents. Amends TCA Title 49, Chapter 7. by *Crowe, *Williams, Sen., *Dixon, *Haynes. (HB2347 by *Givens)

***Senate Bill No. 2240** -- Highway Signs - "Isaac W. Northern, Jr. Bridge", I-55 overpass bridge on Winchester Road in Memphis. by *Dixon. (HB2257 by *Bowers)

***Senate Bill No. 2371** -- Tobacco, Tobacco Products - Redefines "tobacco products" to include beedies and bidis; prohibits sale of beedies or bidis as tobacco products to minors. Amends TCA Title 39, Chapter 17, Part 15. by *Miller J. (HB2477 by *Patton)

Senate Bill No. 2410 -- Divorce, Annulment and Alimony - Allows parties petitioning for divorce or separation to apply to court for injunctive relief against another party, but third party is not bound by injunctions taking effect upon filing of petition. Amends TCA Section 36-4-106. by *Norris. (*HB2127 by *McMillan)

Senate Bill No. 2446 -- Highway Signs - Names bridge across Hiwassee River on US 11 (SR 2) "Captain James S. Varnell, Jr. Bridge.". by *Miller J. (*HB2193 by *Bunch)

***Senate Bill No. 2522** -- Tennessee Wildlife Resources Agency - Creates deer management assistance program administered by TWRA; permits persons controlling hunting access on contiguous land to achieve management goals and to exceed normal season harvest; acreage must exceed 1,000 acres and permit must be purchased. Amends TCA Section 70-1-302. by *Ramsey. (HB2643 by *Bittle)

Senate Bill No. 2596 -- Highway Signs - "James U.L. Scott Memorial Bridge", Roaring River on S.R. 53 in Jackson County. by *Burks, *Davis L. (*HB2377 by *Winningham)

***Senate Bill No. 2678** -- Tennessee Bureau of Investigation - Changes from January 1 to April 30 of each year date by which TBI is required to report to governor and general assembly statistics for crimes occurring on campuses of Tennessee colleges and universities. Amends TCA Section 49-7-2205. by *Crowe. (HB2654 by *Turner (Hamilton))

***Senate Bill No. 2774** -- Highway Signs - "Doctor M.B. Feemster Memorial Bridge", bridge spanning Wolf River on S.R. 57 in Fayette County. by *Wilder. (HB3078 by *Fitzhugh)

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 2797** -- Codes - Revises applicable official electric safety code from August 1, 1996, code to August 1, 2001, code. Amends TCA Title 68, Chapter 101. by *Rochelle. (HB2662 by *Cole (Dyer))

***Senate Bill No. 2798** -- Highway Signs - "Tina Turner Highway", S.R. 19 from "Nutbush City Limits" to Brownsville city limits in Haywood County. by *Wilder, *Cohen, *Harper, *Dixon. (HB2535 by *Fitzhugh, *Naifeh)

***Senate Bill No. 2805** -- Uniform Laws - Corrects technical drafting error in revised Uniform Commercial Code article IX by deleting unnecessary brackets and bracketed language. Amends TCA Title 47, Chapter 9. by *Rochelle. (HB2820 by *Fitzhugh)

**MESSAGE FROM THE SENATE
February 11, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2316, 2407, 2561 and 2767; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2316** -- Hospitals and Health Care Facilities - Requires licensed health care facilities to report certain unusual events. Amends TCA Title 68, Chapter 11. by *Ford J. (HB2259 by *DeBerry L, *DeBerry J)

Senate Bill No. 2407 -- Hospitals and Health Care Facilities - Requires ambulatory surgical treatment centers to report certain information. Amends TCA Title 68. by *Ford J. (*HB2365 by *DeBerry L)

***Senate Bill No. 2561** -- Law Enforcement - Deletes requisite that as part of their continuing training requirements law enforcement officers receive training on investigation and handling of cases of sudden unexplained child death. Amends TCA Section 68-1-1102. by *Clabough. (HB3088 by *Caldwell)

***Senate Bill No. 2767** -- Sexual Offenses - Adds offense of solicitation of minor to definition of "sexual offense" for purposes of "Sexual Offender Registration and Monitoring Act". Amends TCA Section 40-39-102. by *Crowe, *Williams, Sen.. (HB2653 by *Turner (Hamilton))

ROLL CALL

The roll call was taken with the following results:

Present.....92

MONDAY, FEBRUARY 11, 2002 – SEVENTY-FIFTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, February 14, 2002.